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12 United States of America

13 **UNITED STATES DISTRICT COURT**

14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,) Criminal Case No. 08CR0165BEN
16)
17 Plaintiff,)
18)
19 v.) STATUS REPORT
20)
21 AGUSTIN SOLTERO-FONSECA,)
22)
23 Defendant.) Date: July 21, 2008
24) Time: 1:30 p.m.
25) Honorable: Barbara L. Major
26) Courtroom:
27)
28)

16 The UNITED STATES OF AMERICA, by and through its counsel, KAREN
17 P. HEWITT, United States Attorney, CALEB E. MASON, Assistant United
18 States Attorney, hereby files the following Status Report.
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1 On January 22, 2008, defendant Agustin Soltero-Fonseca
2 ("Defendant") was charged by Information with three counts alleging
3 violation of 8 U.S.C. § 1325.

4 On March 18, 2008, this Court found Defendant to be incompetent,
5 pursuant to a psychological evaluation. On July 15, 2008, the date
6 set for a competency hearing in this Court, Defendant's counsel
7 alleged that the government had not completed required further
8 evaluation of Defendant in a timely manner. This Court ordered
9 briefing on the issue.

10 On July 16, 2008, Defendant was indicted by a grand jury for the
11 Southern District of California. The indictment charged one count of
12 violation of 8 U.S.C. § 1326.

13 At Defendant's next appearance, Defendant will be arraigned on
14 the § 1326 indictment and the government will move to dismiss the
15 § 1325 information. Accordingly, all claims arising out of the § 1325
16 charges are moot.

17 || Respectfully submitted,

19 KAREN P. HEWITT

United States Attorney

22 /s/ *Caleb E. Mason*

23 Caleb E. Mason

24 Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IT IS HEREBY CERTIFIED THAT:

I, Caleb Mason, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of the above Status Report, dated July 18, 2008, and this Certificate of Service, dated July 18, 2008, on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them:

Shaffy Moeel, Esq.

Federal Defenders of San Diego, Inc.

225 Broadway, Suite 900

Attorney for defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 2008.

/s/ Caleb E. Mason

CALEB E. MASON

Assistant United States Attorney